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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

CARL J. MAYER,

Civ. Act. No.

Plaintiff,

-against-

NOTICE OF REMOVAL

OXFORD HEALTH PLANS,

Defendant.

-----X

The Defendant/Petitioner herein, Oxford Health Plans (NY), Inc. (incorrectly sued herein as “Oxford Health Plans” (“Oxford”)), by its attorneys, RIVKIN RADLER LLP, respectfully shows as follows:

1. On or about February 6, 2006, plaintiff Carl J. Mayer (“Plaintiff”) commenced an action against Oxford in the Small Claims Part of the Civil Court of the City of New York, County of New York, New York, alleging that he is entitled to reimbursement from Oxford for certain services and items Plaintiff allegedly received on or about January 10, 2005. A true and correct copy of Plaintiff’s Notice of Claim and Summons to Appear (hereinafter “Notice of Claim”) in that action are annexed hereto as Exhibit “A”. Upon information and belief, the dates of service are more than January 10, 2005. The Court mailed the Notice of Claim on February 10, 2006.

2. Plaintiff alleges that he is entitled to recover benefits from his health insurance plan issued by Oxford under which he was enrolled and was issued Member number 8093611*01. According to Oxford's records, Plaintiff was enrolled under an employee welfare benefit plan provided by his employer, Local 124 I U J A T Welfare Fund (the "Group").

3. This is a civil action in which the United States District Court has original jurisdiction pursuant to 28 U.S.C. § 1331, in that the validity of Plaintiff's claim for payment of health insurance benefits is dependent upon a claim of right under the laws of the United States, specifically the Employee Retirement Income Security Act of 1974, 29 U.S.C. §1001, *et seq.*, as amended ("ERISA"). Thus, all of Plaintiff's claims either "relate to" or are otherwise pre-empted by ERISA. See Metropolitan Life Insurance Co. v. Taylor, 481 U.S. 58, 61 (1987); Massachusetts Mutual Life Ins. Co. v. Russell, 473 U.S. 134, 146 (1985).

4. For the foregoing reasons, this action may be removed to this Court pursuant to 28 U.S.C. § 1441.

5. Venue is proper in the United States District Court for the Southern District of New York pursuant to 28 U.S.C. §1446(a).

6. This Notice of Removal is being filed within the time period required by law. 28 U.S.C. § 1446 (b). Written notice of removal will be given the adverse party as required by law, and a true and correct copy of this Notice of Removal will promptly be filed with the Clerk of Civil Court of the City of New York, County of New York, New York, as provided by law.

WHEREFORE, Oxford as Petitioner for removal, requests that the above-named action now pending against it in the Small Claims Part of the Civil Court of the City of New York, County of New York, be removed from the United States District Court for the Southern District of New York.

Dated: Uniondale, New York
March 13, 2006

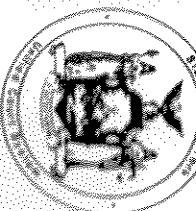
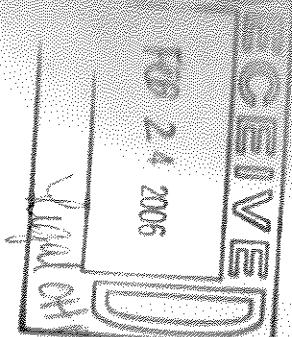
Respectfully submitted,



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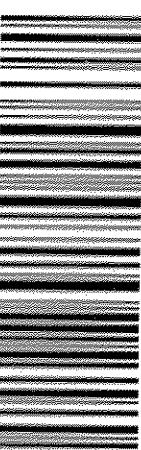
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EXHIBIT A



OF NEW YORK
STATE OF NEW YORK
MONEY ORDERS
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7178 8518 8010 2462 4845



RETURN RECEIPT REQUESTED

SCNY 562 / 2006

OXFORD HEALTH PLANS

~~OXFORD HEALTH PLANS
LEAD INSURER OF THE AMERICAS
NEW YORK CITY, NY 10036-~~

FWD
Fwd to Dr. D. P.
Penn
NYC
NY
10036

FEB 10 '06
NY

